IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRI. APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 124 OF 1997

1. Dr. Vitthal Chanappa Kompalli
   R/o Kadrabad, Bhaji Mandi, Jalna.
2. Dr. Motiram Vijay Gunnal,
   R/o 34/2/63, New Pachapeth,
   Solapur.
3. Dr. Mrs. Shashikala Shriniwas Boqam,
   C/o Ramkrishna Guttikonda,
   91/A, Bequm Peth, Solapur.
4. Dr. Sayyad Parvez Bashir,
   C-HX-8/676, Karnic Nagar, Solapur.
5. Dr. Malleshwar Rukman Yedake,
   260, Bequm Peth, Solapur. ... Petitioners

V/s

1. State of Maharashtra
   through the Ministry of Home Affairs,
   Mantralaya, Bombay.
2. The Commissioner of Police,
   Solapur City, Solapur.
3. The District Superintendent
   of Police, Dist. Solapur. ... Respondents

Mr. Girish Godbole for the petitioners.
Mr. B.H. Mehta, A.P.P. for the respondents.

CORAM: R.M.S. KHANDEPARKAR &
P.V. KAKADE, JJ.
DATED: 22ND MARCH, 2005

ORAL JUDGMENT (Per Khandeparkar, J.)

1. Heard.

2. The petitioners seek direction against respondent Nos. 1 to 3 for restraining them from taking any

prejudicial action against the petitioners for practising in Electropathy medicine system in the State of Maharashtra and particularly in Solapur District.

3. The contention of the petitioners is that they are holders of certificates issued by the Registrar of Electropathy Medico's of India Society having its office at Mumbai. On the strength of the said certificate they have been practicing in the District of Solapur as medical practitioners expertised in Electropathy. It is their further contention that, in terms of circular dated 18.3.1989, the institutions imparting the education in Electropathy Electrohomeopathy were excluded from any prejudicial actions against the bogus doctors practising in the State. Considering the same, as the petitioners are the holders of the said certificate, they should not be considered as bogus doctors and they should not be subjected to any prejudicial action. The learned advocate for the petitioners, however, fairly conceded that the Division Bench of this Court in the case of **Electropathy Medicos of India v/s State of Maharashtra & ors., reported in 2001 (4) Mh.L.J. 553**, has held that the electropathy system is not recognised in India nor it is a part of Homoeopathy system of medicines recognised in India and

no Government/University/Authority had recognised the Society as medical institution entitled to confer degree and diploma or certificate in Electropathy or Electro-homoeopathy.

4. The petition came to be filed seeking declarations that Electropathy course of Indian Society should be allowed to conduct the course in the subject called electrohomoeopathy/electropathy without any hindrance from the Government or any statutory authority and to confer diplomas and degrees being conducted by the said Society. While considering the said petition, it was clearly held by the Division Bench that electropathy system is not recognized in India nor is it a part of Homoeopathy system of medicines recognised in India, as is conveyed by misleading name electrohomoeopathy. It was also held that no Government/University/Authority had recognised the Electropathy Medicos of India as the medical institution entitled to confer degree and diploma or certificate in electropathy or electrohomoeopathy. The degrees, diplomas, certificates, etc. conferred by the said institution or any college affiliated to it are not recognised in law and would not permit the students to practice as medical practitioners. Thus, the law on the point sought to be

raised by the petitioner has been clearly settled for once and for all by the said decision of the Division Bench in **Electropathy Medicos of India's case (Supra).** Undoubtedly, the law on the point was not clear prior to the decision of the Division Bench. It is apparent therefore that the present petitioners holding the certificates stated to have been issued by the Registrar, Electropathy Medico's of India society would not be entitled to practice as the medical practitioners and any attempt by them to practice as the medical practitioners would be considered as an attempt by such person to represent illegally to the public that he is a medical practitioner. Obviously therefore, the authorities would be entitled to take appropriate action against such persons. Since the petitioners, apart from having the certificates from such Society, do not have any certificate from any recognised institution or the Government to practice as medical practitioners and, therefore, they would not be entitled to present themselves as the medical practitioners to the members of the public and, therefore, relief asked for cannot be granted to the petitioners. Therefore, the petition fails and stands dismissed. Rule is discharged accordingly with no order as to costs.

(R.M.S. Khandeparkar, J.)

(P.V. Kakade, J.)